A group of faculty, administrators, and students developed a code of ethics governing all members of a university community.

Thinking Through the Issues in a Code of Ethics

Michael Davis

One sunny Monday in June 2005, seven people met for lunch at the faculty club of the Illinois Institute of Technology (IIT). Bill Parks was a trustee, as well as a very senior alumnus. Greg Barrett was in Institutional Advancement, the administrative office responsible for enlarging IIT’s endowment and therefore for making sure faculty get on well with alumni, especially with alumni who are also trustees. The other five participants were faculty. Bruce Fisher, an expert in focus groups, was at the Institute of Psychology (what most universities would call the psychology department). Jack Hartray, an architect, was a member of the advisory board of IIT’s Center for the Study of Ethics in the Professions (CSEP). The other three—Robert Ladenson, Vivian Weil, and I—were also associated with CSEP. Though trained as philosophers, the three of us had some experience with codes of ethics for professions and business, especially their use in ethics training. Weil and I had also been involved in writing at least one code of ethics before. But none of us—indeed, none of the seven—knew anything about writing a code of ethics for a university community. Few do—which is the reason I thought reporting what happened at IIT might be useful to others.

Parks was responsible for the meeting. Drawing on his experience in business and reading about recent scandals involving universities, he had asked the most recent trustees’ meeting whether IIT had a code of ethics. An administrator had informed him that there was a code of ethics for students, that the faculty had the AAUP code of ethics, and that some administrative departments (such the Office of University Counsel) had a professional code. Parks responded that, good as this was, it was not the
same as having a fundamental document for everyone. Having such a document was now standard business practice; it affords specificity beyond the directives of a brief Mission Statement and even merely aspirational Vision and Values Statement. Surely IIT should have such a code too, something to set an overall minimum standard for the institution.

Parks’s response sufficed to make him a committee of one for exploring the possibility of such a code, with Barrett to assist. Barrett contacted CSEP, one of the world’s oldest ethics centers and a leader in professional ethics in general and engineering ethics in particular. Weil, its director, called around, soon assembled what she thought would be a good start at an exploratory committee, and arranged lunch for the seven. After introductions, Parks repeated the comments he had made at the trustees’ meeting, adding that he thought it was important to get a “starter draft” as soon as possible. He had searched the Web and was surprised that the only code of ethics for a university community he found was one that the University of Southern California (USC) had adopted the year before. Although he did not care for the code because it sounded like the work of a university president, it inspired him to sketch one of his own, consisting merely of key ideas: integrity, academic excellence, academic freedom, mutual respect and dignity, pride, responsibility to neighborhood, personal responsibility, work-life concerns. There was immediate agreement on the need for a starter code. There was also immediate agreement that the starter code should be developed into a final code using a procedure of “wide consultation” (focus groups) both to determine what standard was actually needed and to get buy-in from the IIT community. The community was much more likely to accept a code that it actually developed, and the board of trustees was more likely to accept a code that came to it with wide support.

I undertook to prepare a starter draft, using Parks’s key ideas. The faculty were to hold the first focus group, primarily because theirs seemed the easiest to arrange. After agreement on these matters, discussion ranged more widely. Drawing on her experience with professional societies, Weil noted that “wide consultation” was not only a way to achieve buy-in; it was also itself a way to educate a community in the purpose, content, and use of the code. Many professional societies found writing or revising the code an important lesson in ethics, a consciousness raising experience. Drawing on similar experience, I added that most people who participated in drafting a code bottom up were occasionally surprised by what ended up in the document. Ethical standards are, in part, created rather than simply documented. Involving the whole community takes advantage of a range of experience. Drawing on his business experience, Parks stressed that adopting the code was only a first step. The group should already be thinking about how to disseminate the code, how to keep it in mind in making decisions, how to guide its application, and how to correct those who violated it. Those remarks ended the business meeting, though several of the participants—Parks,
Hartray, and we three philosophers—reminisced for another half hour. (All of us had been associated with IIT for at least twenty years.) The process was launched.

First Draft

A few days after that meeting, I began work by writing a preamble. A preamble should, I thought, (1) state the reasons for having a code, (2) explain who is covered and why, and (3) present a rationale for everyone covered to do as the code requires. From my own theory of what codes of ethics do, I soon had this paragraph:

Having voluntarily chosen to associate ourselves with IIT, we—trustees, students, faculty, administrators, and staff—have become beneficiaries of what generations of trustees, students, faculty, administrators, and staff have made. We are also each a steward for this generation and for the generations to follow. For each of us, the benefit deriving from association with IIT depends on the conduct of others associated with IIT. If we each conduct ourselves as we should, all associated with IIT will have good reason for pride. If even a few fail to do as they should, we will all have reason for shame, the benefits of association will contract, and we will pass on to the next generation less than we might have. This code of ethics is intended to help us all conduct ourselves as we should.

Next, I did my own Web search. That turned up one more code, Howard University’s, adopted in 1998. The Howard code was, at 2,747 words, about five times as long as USC’s. Its language had something of the lawyer’s caution about it, as well as a lawyer’s care in thinking about how the code would be used. For example, the Howard code is divided into small sections, each on a single topic. The larger sections are titled. It is easy to find what one is looking for (and easy to cite it). In contrast, USC’s code is just a series of paragraphs, none labeled and each containing several sentences. Often the sentences in a paragraph are on a topic only loosely related to other topics discussed in the same paragraph. Finding what one needs is much harder than in Howard’s code, even though USC’s code is much shorter.

I liked Howard’s use of titles for another reason. People evaluating a code of ethics tend to look for certain words (“integrity,” “honesty,” “conflict of interest,” “diversity,” and so on). They are likely to reject a code if their favorite words do not appear. Many codes end up using those words without defining them, giving users of the code much less guidance than they could and should have. I thought we could use such words as titles to satisfy the desire to have those words appear in the code while using the text to define the relevant conduct.
Having concluded that Howard offered a better model for a useful code, I began turning Parks's key ideas into provisions of the IIT code by looking for appropriate language in Howard's code. Sometimes I found it. For example, the Howard code offered this language suited to filling out Parks's “academic freedom”:

No member of the University Community shall deny any member of the Faculty a fair opportunity to teach, [to] conduct research, and to provide services to the community, in a setting that provides the academic freedom necessary to cultivate a wide expanse of ideas and teaching methods [IV.E].

Though a good start, this provision had at least three failings. First, Howard used academic freedom to mean only the freedom of faculty, though there was a separate provision to protect students, which did not call the protection academic freedom:

No member of the University Community shall deny a student fair access to all educational opportunities and benefits available at the University [IV.E].

There was no provision to protect the academic freedom of other members of the university community. The exploratory committee had agreed that all provisions of the IIT code should apply as widely as possible—and, in particular, that academic freedom belonged to everyone at IIT.

Second, Howard's provisions on academic freedom seemed unduly negative (as did the corresponding provisions of USC's code). Why not state the obligation positively (provided it can be done in a way that was neither opaque nor prolix)?

The third failing was perhaps even more important. IIT is an institute of technology, a university as much concerned with making as knowing. The freedom to “cultivate ideas and teaching methods” seemed entirely too narrow to protect the design of new things, writing of software, and carrying out of experiments that are central activities at IIT (and, indeed, at any modern university). Even in the realm of ideas, “exploration” is not the part of academic life that is most in need of protection. What most needs protection is developing new ideas and putting them into practice.6

With all this in mind, I rewrote the Howard provision to read:

Academic freedom. We shall seek to ensure to every student a fair opportunity to learn, to every faculty member a fair opportunity to teach, and to every member of the community a fair opportunity to explore human invention in research, design, scholarship, politics, religion, and art.

Howard's code was a useful starting point for filling out Parks's term academic freedom. But for some of Parks's key ideas, there was no counterpart in
Howard’s code, or USC’s. I had to work from scratch. So, for example, “academic excellence” became:

Because IIT’s reputation depends in large part on the quality of the students it graduates, research it performs, and scholarship it publishes, we shall do what we can to help students, faculty, and researchers do the best work they can—and to attract to IIT those who can do even better.

Once I was done, I had a document about the length of USC’s, consisting of a preamble and nine one-sentence paragraphs, each titled and numbered. I labeled it Version 1. After letting it sit for a few days, I decided it was the best I could do without further guidance and e-mailed it to the other members of the exploratory committee. There were several suggestions for improvements. I responded with Version 1.1 (adopting the numbering typical of software) and again circulated the draft. A few more suggestions yielded Version 1.2 (September 22, 2005). When I circulated that draft, Weil made two additions on her own, yielding 1.3 (September 29). The first draft was ready for the first focus group.

**First Focus Group: Faculty**

Finding enough faculty for the focus group proved difficult. The problem was not finding enough of IIT’s faculty of three hundred willing to participate but finding enough of them free at the same time. The meeting did not occur until November 30. There were ten members of the faculty present, including one department chair and several full professors. Fisher presided; I was present to answer questions (and to listen). CSEP’s librarian took extensive notes (as she would for all focus groups to come).

After describing the process of drafting Version 1.3, Fisher stated the purpose of the meeting and laid out the procedures: “We want you to raise ethical issues you might confront.” These were not to be stated abstractly but in the form of brief, realistic “scenarios.” Given the time available, eleven would be enough. For each scenario, the group would find a response, state a “guideline” that underlay that response, and then see whether the guideline was already present in the code or should be added. Fisher, as a business consultant who had done many focus groups, expected to lead an orderly discussion, moving from one scenario to another, each discussion taking about ten minutes (including the discussion of the relevant guideline). He soon learned that professors are (as the Germans say) “people who think otherwise.”

The first response to Fisher’s statement of ground rules was a question from the one law professor present: “What is the ultimate purpose of the code?” Fisher responded that the code was “designed as a guide to understand certain issues.” A professor from the Institute of Design (ID) added helpfully, “Moral requirements.” An engineer then asked, “Is it reflected in
the code of ethics? Most issues in the draft do not seem to be ethical issues.”

The professor from ID then offered more help: “Ethics is morality. These are
special standards which go beyond morality.” And so the discussion went,
for perhaps fifteen minutes. Fisher intervened when a math professor began
to complain about the administration’s treatment of his department: “This
is a scenario where the administration dictated.” The math professor agreed,
“Stay and merge. Maintain standards of mathematics.” Fisher then offered
a guideline that might state the underlying principle on which the math pro-
fessor was acting: “You did not quit but worked for the wellbeing of your
students.” The math professor responded, “This did not cross my mind.”
For him, the standards of mathematics were what counted.

Though this exchange seemed to have gone nowhere, in fact it brought
the discussion back to scenarios. There followed a discussion of “whistle
blowing” (going outside IIT to complain about policy or particular deci-
sions, in this case merging mathematics with computer science). Then the
discussion returned to the question of whom the code would cover, the law
professor asking whether “donors are part of the ethics group.” Fisher then
added “alumni.” No one objected, though neither of these groups was listed
in 1.3 (or in either USC’s code or Howard’s).

Fisher then pointed out that he had hoped to have the faculty focus on
issues they faced, not issues donors or alumni faced. Another engineer
described a scenario in which senior faculty mistreated a new hire. The dis-
cussion of that scenario led back to whistle blowing. And so it went.
Though far less orderly than Fisher (or anyone else in the exploratory com-
mittee) had expected, the meeting ended with my having a long list of issues
clearly not covered in 1.3: not only whistle blowing and defining the IIT
community as including donors and alumni but also confidentiality, misuse
of software, responsibility for ensuring adequate resources for instruction,
the place of “integrity,” and so on. But whistle blowing was clearly the most
important issue. It had surfaced again and again, taking up perhaps a third
of the meeting’s more than two hours.

Version 2. The next morning I sat before my computer with my notes
of the meeting and remembered bits of discussion not represented in the
notes. There were many suggestions for small changes throughout, some
significant enough to require a new paragraph, but nothing (it seemed) to
require a change in format. I began with the preamble, adding “donors” and
“alumni” to the list of those the code covered (since no one objected to their
inclusion), making the order of community members alphabetical (though
no one had noticed that I had—inadvertently—put “staff” at the end of the
reverse alphabetical list instead of just after “trustees,” where the alphabet
directed). I also tried to make the preamble clearer, shortening it as
I did.10 There had been too many questions about what the purpose of the
code was.

I initially tried to respond to the list of missing provisions by adding
new sections or inserting new phrases in existing provisions. In some cases,
this worked well. For example, I added a new paragraph 3 (renumbering
the others):

**Academic Responsibility.** We shall maintain appropriate standards of accu-
rency, reliability, credit, candor, and confidentiality in our own work, whether
for publication or internal use in class or office.

This one provision took care of a surprisingly large number of concerns the
faculty had raised.

But I soon realized that simply adding or amending provisions would
not always work. As I looked over what I had done, I saw an underlying pat-
tern in some of the changes. So, for example, 1.3’s paragraph 3 (now 4) was:

**Diversity of Thought, Culture, Gender, and Ethnicity.** Because we recognize
the contribution to education, research, and scholarship that differences in
perspective, experience, and history offer, we shall seek to maintain an
environment in which those differences may both flourish individually and
combine productively in common projects.

Although the term *diversity* today has a cultural, gender, or ethnic empha-
sis (or some combination of them), it has not always had it and probably
will not always, as today’s bigotry goes the way of earlier kinds. However,
the underlying problem of diversity, the one a code of ethics should address,
will remain. People have a tendency to be hostile to differences from which
they can in fact benefit, especially difference in attitude, style, or commit-
ment. Part of respecting people is respecting such differences. So, 1.3’s para-
graph 4 (now 5: Mutual Respect and Human Dignity) could be a
subparagraph under 4, as could a provision I had just written about the
importance of respecting dissent (designed to make protecting whistle
blowers a special case of protecting diversity). Realizing this, I decided to
violate the format I had adopted. Below paragraph 4 (its title shortened
to “Diversity”), I put two subparagraphs:

4.1. **Mutual Respect and Human Dignity.** Because every member of the IIT
community deserves that minimum respect due every human being, we shall
try to treat every member of the IIT community fairly, avoiding harassment,
unjust discrimination, and intimidation in our own conduct and not tolerat-
ing them in the conduct of others.

4.2. **Community and Criticism.** Because opinions in any healthy community tend
to differ, with wisdom never anyone’s monopoly, we shall consult those associ-
ated with IIT whom our decisions may affect, shall suggest to appropriate persons
opportunities for improving IIT when we think we see them, offering our
suggestions in ways unlikely to distract from their merit, shall accept the dissent
of others from our views as an opportunity to learn, and shall protect dissenters
from mistreatment their dissent seems to have provoked.
A similar analysis suggested that paragraph 5 (Personal Responsibility) could also have two subparagraphs under it, one concerned with whistle blowing (Responsibility for the Conduct of Others) and another for conscientious objection (Legal Liability and Conscience). These changes, though together sufficient to justify calling the draft Version 2.0, were easily completed in two days (that is, by December 2).

Oddly, there were again nine main paragraphs (though two now had subparagraphs). When no one in the exploratory committee found anything to object to, Version 2.0 became the document laid before the next focus group, administrators. Their meeting did not occur until February 15, 2006.

Administrators’ Focus Groups. There were eleven people present at the administrators’ focus group: Fisher (who again presided), two deans (who held faculty rank), several vice presidents without faculty rank (among them the chief financial officer), and three lower-ranking administrators without academic rank (such as the assistant dean for academic administration).

Fisher began the meeting by stating the purpose of the code, describing the process until then and the purpose of the meeting, and giving much the same description of the meeting’s procedure that he had given the faculty.

The administrators immediately began to ask questions the faculty had not: Is this a new document or a revision of something IIT already has? Why have a unifying code? Why has the president not been engaged in this conversation (rather than merely notified of it)? What is the relation between the code and the mission, vision, and values statements the administration is working on? And so on.

Once Fisher had answered these stage-setting questions (or at least agreed to look for answers), the administrators turned to the code itself. There were again the questions the faculty had asked: “What is ethics?” and “What is a code of ethics?” Fisher had answers ready this time. “Ethics is a standard of excellence” (something beyond ordinary morality), and a code of ethics states those special standards.

That seemed to satisfy the administrators on the points raised, but the meeting was not yet on track. “In the opening paragraph,” one administrator noted, “[it says], ‘If even a few fail to do as they should, we will all have reason for shame.’ This phrase is like something out of third grade and should be rephrased.” After that comment was duly noted, the administrators fell to work, doing pretty much what Fisher had asked of them. They briefly described ten ethically troubling scenarios (all, apparently, drawn from life) and then stated for each an “ethical guideline” that resolved it. The first (and shortest) of the problem-solution exercises may serve as a sample of them all:

A group starts a project and fails to sufficiently notify top members of the administration.
Ethical Guidelines:

All members of the university community should be notified of programs/projects that might involve or influence them.

Though the administrators made no effort to connect their “ethical guidelines” with Version 2, most of their guidelines in fact corresponded to something in the code. For example, the notification guideline corresponded to 4.2. Indeed, 4.2 actually required more, not just notification but consultation (“Because opinions in any healthy community tend to differ, with wisdom never anyone’s monopoly, we shall consult those associated with IIT whom our decisions may affect”).

Version 2 generally passed most of the tests that the administrators’ scenarios set, but in one case it clearly did not. The administrators agreed that it is “fine to complain internally, but not externally.” Even though many faculty members may not see it that way, external whistle blowing is, they thought, an ethical issue. IIT’s welfare may be at stake. Or, as one administrator put it: “Many people at IIT do not have pride in the university, and often will complain publicly about IIT at conferences, to visitors, and even to new students, faculty, and staff. In some cases, [a] faculty [member] has even complained to students about [the] university [in a way] that can lead to drops in donor gifts and . . . IIT’s institutional standing. Word of mouth is very powerful in [the] status of a university.”

Because the code seemed, in general, to deal adequately with the administrators’ scenarios, the revisions that followed were small, yielding Version 2.1 (February 28). That Version differed from 2 in two ways (apart from correction of some typographical errors). First, the preamble was shortened by deleting the “third grader’s language” about shame (“we will all have reason for shame; the benefits of association will be less; and”). Second, a sentence was added to paragraph 9: “We shall not take complaints about IIT outside until we have given those at IIT a fair opportunity to resolve them properly.” (Of course, that addition violated the one-sentence-per-paragraph format, opening the flood gates.)

I then e-mailed 2.1 to the exploratory committee, expecting general approval. I was surprised when Ladenson, with whom I almost always agree, e-mailed back that he had a problem with 5.2 (Legal Liability and Conscience), a paragraph one might have expected the administrators to object to if there were anything to object to (“Should we believe our use of IIT resources morally right but illegal, we may do what we think morally right, provided we ensure IIT does not thereby suffer legal liability or other substantial harm”). Ladenson, a lawyer as well as a philosopher, thought this provision gave too much freedom to individual conscience. He initially suggested dropping the provision altogether but relented when reminded of the faculty discussion that had inspired it. Because Ladenson considered it a make-or-break issue, he suggested that we three philosophers meet
informally to see whether we could work something out. After that meeting, I cast the ideas discussed there into a provision with a heavy emphasis on procedure. The new provision did not satisfy Ladenson, though his concern now was making the point clearer. In the end, we three philosophers agreed on this language for 5.2:

Should we believe our use of IIT resources right but illegal, we shall consult appropriate legal authority to confirm that belief, to explore legal alternatives, and to define legal consequences. If, after consulting the appropriate legal authority, we still believe the use of resources is right but illegal, we may act on that belief, provided IIT will suffer neither legal liability nor other substantial harm as a result.

This change from Version 2 seemed (together with a lot of tinkering with punctuation and other small changes) to justify naming the resulting document Version 3 (March 28). That was the version the students’ focus group would examine.

**Students’ Focus Group.** Nine students met on April 18, 2006, to discuss Version 3, a student (a member of the student government) presiding. The students did not worry about scenarios. Instead, they were the first focus group to examine the code line by line. They found much they liked. For example, one student’s response to the preamble was: “It is a good idea to [recognize] that ethics is not imposed from the outside but it starts from inside, from human nature.” But in general, they focused on what they thought should be changed. For example, although they agreed that the preamble should explain why the code should be followed, they did not like the preamble’s giving “pride” as a reason to follow the code. One student even found the word “offensive.” They suggested dropping “pride” in favor of “having the satisfaction of doing what is right.” So they proceeded, through each paragraph and subparagraph.

The students did not just comment but debated interpretations, cooperated in devising alternate language, and often reached consensus. Their discussions were both lively and free of deference. Consider, for example, their response to the language of 5.2 with which Ladenson, Weil, and I had just taken such pains (Legal Liability and Conscience). The discussion began with a suggestion: “We should either put in the example of software or broaden the wording to include more issues.” Perhaps illustrating the problem, another student asked, “When 5.2 says ‘right,’ what is the right? Does ‘right’ mean if we are using copyrighted software illegally to spread a cure for cancer, or something else?” The discussion continued along this path for a few minutes. Then one student noted, “In no place in the document is the word ‘integrity’ used. We could use it in this section to clarify it.” That gave another student an idea: “What if we delete what is in 5.2
entirely and label it, ‘5.2 Integrity’ and add a new sentence? We may want to use integrity instead of pride in the preamble, as well.” To this someone responded, “5.2 does not seem to fit in this document. The rest of the code lays down principles, but 5.2 reads like a code of conduct and gives exact instructions on what to do in a certain situation. Can we rewrite [it] to sound like a code of ethics rather than ‘if this, then this’?”

The discussion concluded: “Let’s scratch 5.2 and put in its place . . . anything?” Clearly, revision 5.2 was in trouble.

When I first saw the minutes of the student meeting, I was both surprised and disappointed. Among the surprises was the rejection of the term pride (though the substitution the students proposed seemed good enough). Among the disappointments was the rejection of 5.2 after a discussion that, given the software example, showed the students understood the provision. I personally had no objection to some provisions of a code of ethics giving exact instructions while others were general. A code, I thought, should embody as much specificity as could be agreed on so long as the language was unlikely to be outdated in a few years.

But as I went over the minutes more carefully with Version 3 before me, my response changed. Here was the first close reading a focus group had given the code. Many of the student comments were just first responses, with other comments either rejecting or modifying them. Though the first comment often involved a misreading of a provision, the discussion quickly reached what I considered a proper interpretation. The students had in fact shown that the code was relatively easy to use. In addition, many of the suggestions the students made were helpful, especially those concerned with titling and organization. Some, of course, were not. For example, I thought the suggestion to put “students” first rather than in alphabetical order would open up a debate about which group was more important than which—one that, though having nothing to do with the substance or use of the code, could well arouse strong emotions and threaten the code’s adoption. Who would come second? Who third? And so on.

I took only a few days to produce Version 4 (April 24) and 4.1 (May 12). They differed from Version 3 in only small or middle-sized ways (organization, titles, use of “try” throughout rather than mixing “try” with “seek,” and so on). The result was a document of eight main paragraphs (instead of nine), but of about the same length (because one paragraph had become a subparagraph). Informal discussion among the three philosophers suggested a new subparagraph under 5 concerning conflict of interest. That change yielded Version 4.3 (June 22).

Version 4.4 followed a day later when I realized that every focus group had begun in much the same way, with participants asking what a code of ethics was and how to use it. Why not, I wondered, offer answers in the code itself? That such an explanation was a rarity in codes did not matter.
Clearly, such an explanation was needed—a new paragraph entitled “How to Use This Code.” I attached a sort of “post-amble” or epilogue:

This code consists of a preamble and eight sections. The preamble explains the purpose of the code and provides a principle for applying the general rules in the eight sections to specific situations (interpret the rules so as to pass on to our successors an IIT at least as good as we found it). Some sections include subsections. The rules in these subsections provide a partial interpretation of the section’s general rule. Each subsection provides a reminder of a domain of conduct requiring special care. This code is not a moral algorithm, a substitute for deliberation, or an ordinary regulation, designed for external enforcement, but a guide to conscience in deliberation. It captures what we now believe is how we would like other members of the IIT community to act. It is, of course, subject to revision in light of experience.

I put the explanation at the end of the code rather than at the beginning because I thought someone using the code would be more likely to pay attention to it after reading the code (or relevant provisions) and developing questions about interpretation. I did not want to discourage reading through the code by making readers plow through the explanation before they had questions it answered.

Ladenson, Weil, and I agreed that something should be done about the troublesome 5.2 (besides renaming, moving, and renumbering it—all of which I had done), but they could not agree on what that was. A flurry of e-mails and informal conversations ended with Ladenson in favor of cutting the clause entirely and my arguing (as the students had) that something was needed. The code was as ready as it was going to be for the next focus group.

The Trustee’s Focus Group—and the Staffs’

On July 20, Weil met with seven members of IIT’s board of trustees (about a fifth of the board). Like the student meeting, this one focused on the code itself, not on scenarios. Unlike the student meeting, the trustees did not have the latest version. The version they discussed, the one they had been sent a month before the meeting, was 4.3 (without 4.4’s how-to paragraph).13 This, however, does not seem to have much affected the discussion. The trustees did not ask what a code of ethics is. They seem to have had no doubt they knew—perhaps relying on their experience in business.

Experience with business codes may have produced its own problems, though. For example, the discussion of paragraph 1 began with a trustee observing that academic excellence “is not an ethical matter; it is an academic matter.” Later the same trustee asked, “Is helping people do the best they can an ethical or performance issue?” There was general agreement that it was a performance issue, “an institutional issue but not an ethical issue.” After considerably more discussion of the first paragraph, one of the trustees
summarized the consensus: “Re-wordsmith Item 1 to reflect changes suggested: . . . 1. Change title to “Environment of Academic Excellence”; 2. Add “character” after “quality” in first section [“IIT’s reputation depends in large part on the quality and character of students it graduates”]; 3. Change last sentence [or, rather, clause] to “we shall provide an environment where students, faculty, and researchers can excel.” They then moved on to the next paragraph.14

Overall, the trustees’ discussion, though considerably more structured than the students’, was otherwise similar. They worked their way through the code, paragraph by paragraph (leaving the preamble to last). They suggested many changes, usually quite specific. Some were clearly right. For example, they suggested adding “suppliers” to the list of members of the IIT community. Many of the suggestions were stylistic. The trustees regularly tried to break long sentences into several shorter ones (to make the code easier to read). In this too, they were probably right. Disagreements with the substance of the code were few. The most important concerned the ever-troublesome personal integrity provision (what had been “Legal Liability and Conscience”). The trustees reached much the same conclusion as the students: “This is a concept that is needed in the code. A paragraph is needed, but the current paragraph is not it.”

In two respects, however, the trustees broke new ground. First, they concluded their meeting with a long discussion of what was going to be done with the code. They had many ideas: ask “staff, students, suppliers, etc. . . . to sign the code”; ask “IIT community members . . . to sign a waiver saying they read the code”; “create a code of conduct that is a derivative of the IIT Code of Ethics that is signed”; have the code “distributed and enforced among trustees, students staff, faculty administration, alumni, and suppliers”; and having it “printed in some sort of dignified pocket-sized fold-out card and made available to students during recruitment.”

The other respect in which the trustees broke new ground was a change in procedure. They instructed the CSEP librarian (who took notes of the meeting) to prepare a draft reflecting their decisions. This the librarian did, titling it “Changes to Rough Draft 4.3 by Trustee Focus Group (July 20, 2006).” For brevity, I shall call it “4.3T.”

Version 4.3T is a disordered work. Though the preamble has “suppliers” inserted between “alumni” and “administrators” (out of alphabetical order), it also has a tenth numbered paragraph that has the same effect (“It is our expectation that all supply chain partners will uphold the same ethical standards as we uphold ourselves.”). The troublesome personal integrity paragraph has become a fill-in-the-blank: “6. Personal integrity. (Something similar to) Each individual will behave. . . .” And so on. Committees are notoriously poor writers.

I saw the minutes of the trustees’ meeting, but I did not see Version 4.3T. Working from 4.4, I produced a document differing from it in only small ways, but enough, I thought, to deserve the title “Version 5” (July 26).
The most important change (apart from adding “suppliers” to the preamble and paragraph 9) was the substitution of “should” for a variety of equivalents (“is intended to,” “shall,” “shall try to,” and so on).

The Last Focus Group

Nothing much happened in August until Weil called a meeting of the exploratory committee. It met on September 1, with only Weil, Ladenson, and the CSEP librarian present. (Fisher and I were out of town.) The discussion focused on Fisher’s dissatisfaction with Version 5.0, apparently expressed in a memo to Weil that has not survived. But a few days after this meeting (September 6), Fisher e-mailed the exploratory committee a version of 5.0 (oddly named “54.0”) with his comments. Fisher’s overall complaint was that I “did not capture the input of the various interview groups.” For example, “the order of stakeholders is important—too important to just go in reverse alphabetical order: students should come first.” Fisher was especially unhappy with the Personal Integrity provision:

I don’t remember any of this in the interviews. It seems odd to me to publicly support taking illegal action based on what could be a unique view of morality. I know integrity was viewed as important by interview groups, and I agree that it should be a tenant [sic]. I believe it was represented more as a function of doing what they say they will do (walking the talk), keeping commitments to others, and such. I also remember a lot of discussion about the importance of transparency in decisions and processes to enable people to understand what the university is doing and why it’s doing it.16

Though the exploratory committee (or, at least, a fragment of it) had a long and thorough discussion of the issues Fisher raised, it did not reach a decision on anything. They did not even discuss the new how-to paragraph.

After reading the minutes of the exploratory committee and looking over the comments on Version 5, I made a few changes and sent out Version 5.1 (September 6). Fisher repeated his earlier objections after asking for a version of 5.1 showing changes. Weil was now quite worried. The whole process depended on consensus. If one of the exploratory committee’s members dissented strongly enough, the whole process might collapse. She therefore called another meeting of the committee, one Fisher and I could attend. On September 28, we met. The meeting began rather roughly. After Fisher explained his objections, I explained my method. My job was not simply to do whatever one of the focus groups said to do, but to produce a coherent document that everyone would find satisfactory. So, for example, I had not put the students first in the list of community members because that sort of symbolism invited controversy and made absolutely no substantive difference. Of course, there were problems with the code as it stood,
the most important of which was certainly the personal integrity paragraph (now numbered 6). But, I continued, the focus groups had not had any problem with my original language; the troubles had begun with the language that the exploratory committee had, at Ladenson’s urging, put in its place. I would not do what Fisher asked; I would not be “a mere scribe.” If the exploratory committee wanted a mere scribe, I would be happy to quietly quit the committee. Because even Fisher did not want that, the meeting ended without any decision about Version 5.1.

Finding staff for a focus group proved complicated, but toward the end of October Weil informed the exploratory committee that she had found enough participants and they would meet in November. I then sent Weil another version of the code, 5.2, differing from 5.1 primarily in breaking a few more long sentences into shorter ones (as the trustees had suggested) and substituting “we” in several places where “IIT community” had appeared before.

When the staff focus group met on November 16, 2006, seven staff were there (including the CSEP librarian). They included both relatively high-ranking staff (an associate director) and relatively low-ranking ones (a campus police officer, an employee of the security firm policing the campus). The version the staff discussed was “5.5”—not a variant of my last draft (5.2), but of the trustees’ 4.3T that Weil prepared a day before the meeting. She reached back to the trustees’ draft because it was the last version of the code to which more than one person had agreed. She did not simply use 4.3T but included some text from 4.3 and added several questions to guide discussion. So, for example, where the trustees’ version left the personal integrity paragraph with a blank to fill, Weil gave the language of 4.3 but posed a question: “The preceding focus groups had problems with the wording of this provision. So far we have not found wording that is acceptable. What do you think about this provision?”

The staff approached 5.5 much as the faculty, administrators, and students had approached earlier versions. They asked about the purpose of a code. In particular, they wanted answers to such questions as this: “If I should go out at three in the morning to go drinking and have an accident, how much would that have to do with my employment in IIT? Is that covered by the code?” The staff wanted a code that was “aspirational” rather than “punitive.” Once they got beyond these overall comments, they examined the code paragraph by paragraph (as the students and trustees had). Many of their comments concerned style. So, for example, the staff suggested revising the last sentence of the preamble (“This code of ethics is intended to help us all act as we should”) to read “something like”: “This code of ethics is intended to help us conduct ourselves with honesty and integrity.” Some comments were substantive. For example, they suggested adding a new sentence to paragraph 4: “Every member of the IIT community deserves the respect due every person regardless of the individual’s
status or title.” They thought it important that “equal levels of respect
should be highlighted.”

The personal integrity provision troubled them as it had everyone else.
On the one hand, they rejected the current wording: “This one makes no
sense. Who says what is morally right? All subjective. How do you define
what is morally right? If IIT as an institution starts doing this, then [it will]
fall into the trap of defining integrity for its community members.”

On the other hand, all the staff could suggest to replace the offending
words were variants of fill-in-the-blank, that is, either “Each individual
needs to use their personal discretion . . .” or “Do what an ordinarily pru-
dent person would do.” They did not want to drop the provision entirely.

I found reading the minutes of the staff focus group unsettling. The
staff seemed to have gone through the code as carefully as the students had,
but they seemed to have missed much I had added to the code since the ver-
sion the students had used. I was especially concerned that they had asked
questions about the code that the final how-to paragraph was supposed to
answer (something the trustees had not done). I did not notice that the ver-
sion the staff discussed was 5.5 rather than one of mine. I supposed I was
still the code’s draftsman when in fact that function had passed to Weil and
the CSEP librarian (perhaps without their realizing it). Nonetheless, I did
not revise my draft in response to the staff meeting. Instead, I was thinking
of quitting the exploratory committee.

The next focus group, scheduled for December 12, was to be the last.
It consisted of a few people from each of the other focus groups, as well as
Ladenson, the CSEP librarian, and me. Weil presided. The group was to give
the code a final “once over.” The meeting began with some confusion. Weil
passed out a copy of “the code” (5.5)—a copy of which she had sent to all
members of the focus group in advance. The first question, from the uni-
versity counsel, was about the code’s relationship to university policy.
I responded that the group should look at the final paragraph for an answer.
Everyone turned to the code’s second page. The final paragraph was para-
graph 9 (Sense of Pride and Ownership). The how-to paragraph wasn’t
there. I then looked more closely at the document before me and realized it
was not my 5.2 but something quite different. I asked why the group did
not receive the latest version of the code, the one with all the improvements.
Weil explained. I must have looked horrified because Weil was soon send-
ing the CSEP librarian back to CSEP to make copies of 5.2 for distribution.
In the meantime, the group discussed what to do next with the code.

The librarian soon returned. Once she distributed copies of 5.2, there was
a brief period in which everyone read. Then someone commented that 5.2
seemed to be “more finished” (that is, it did not include any questions or com-
ments). Without any further discussion, the group began discussing 5.2. It
was again a line-by-line discussion. But for the most part, the changes sug-
gested were few and small (for example, moving a phrase in the how-to para-
graph from one place to another). Finally, the discussion reached the
troublesome personal integrity paragraph. Again there was agreement that something must be said on the subject, but no agreement on what. The university counsel was especially concerned that nothing in the code should even suggest illegality. Just when it seemed that the meeting would end without an overall endorsement of the code, Ladenson suggested a radical revision:

6. Supporting personal integrity. If we become aware of anyone associated with IIT who perceives a conflict between personal convictions and what is required under IIT’s rules, we should help identify ways to arrive at a reasonable and just resolution.

This language satisfied everyone. The meeting adjourned with agreement that the code should be revised to take account of the day’s discussion, we should have someone in technical writing look it over for readability, and we should then begin the process of approval. I had Version 6.0 ready three days later (December 15).

End Game

The professor of technical writing, someone who had no other part in writing the code, gave her approval on February 9: “[The] code is clear and comprehensible. The nine sections with subsections are cohesive.” She also suggested a number of small changes, labeling her revision 6.1. Some of her changes—such as substituting “As valued members of the IIT community” for the opening “Having chosen to associate ourselves with IIT”—were rejected by the exploratory committee (generally, for reasons of style). Most, such as “not splitting a helping verb,” were accepted (for example, “might otherwise have” become “might have otherwise”). On February 27, 2007, the code was ready to go before the governing body of the student association—with the faculty council, the president’s council, and board of trustees to follow.17

The students approved the code in March 2007. The code was to go before the faculty council in the fall, but their schedule and a misunderstanding postponed its vote till February 2008. This is a disappointment. When I agreed to write this article, I expected to be able to describe not only the writing of the code and its ratification but also the first few months of its implementation. That I cannot do so illustrates one of Murphy’s many sayings: “Everything takes longer than you think.” Happily, it does not illustrate the most famous of Murphy’s laws. So far, on the whole, things seem to have gone right.

Once the board of trustees has approved the code, IIT will have to implement it. Among means of implementation now under consideration are (1) including discussion of the code at orientation for new students and new faculty; (2) wide distribution of the code, posting it not only on IIT’s Website...
but on walls around campus; and (3) setting up a body, consisting of members of the IIT community, to answer questions about how to interpret provisions (an “ethics committee”). No doubt, the process of turning a document into a living practice will be even more complicated than preparing the document itself. But describing that process must wait on events yet to come.

Notes


2. For the USC code (2004), see http://www.usc.edu/president/code_of_ethics/ (Oct. 19, 2007). CSEP’s librarian did her own search before the meeting and turned up two more. One was for Emory University (a draft posted July 13, 2004, and apparently not yet adopted). It was similar to USC’s. The other was for the University of Kentucky (adopted in 2003). Much longer than Emory’s or USC’s, it began with an interesting list of “core values” that were surprisingly close to Parks’s list of “key ideas.”


4. Compare this with the first paragraph of the USC code:

   At the University of Southern California, ethical behavior is predicated on two main pillars: a commitment to discharging our obligations to others in a fair and honest manner, and a commitment to respecting the rights and dignity of all persons. As faculty, staff, students, and trustees, we each bear responsibility not only for the ethics of our own behavior, but also for building USC’s stature as an ethical institution.

   Apparently, USC did not find this explanation of obligation entirely satisfactory. Near the end of the code, there is another: “Because of the special bonds that bind us together as members of the Trojan Family, we have a familial duty as well as a fiduciary duty to one another.” The location of this sentence suggests the poor organization of the code as a whole.

5. See http://www.howard.edu/policy/codeofethics.pdf (Oct. 19, 2007). Howard’s code was not the first university code of ethics; nor were Howard’s and USC’s the only ones extant at that time. They were, it seems, merely the first posted on the Web in a way my method of search brought up. As I prepared this article, I did another search. This one revealed five codes that my earlier search missed: Concordia University (1994); Murdoch University, Australia (1996); Adelphi University (1997); University of Kentucky (2003); and University of Virginia (2004). One more code that the original search might have missed is for Chapman University (“might” because the code is undated). I don’t know why I missed the UK code in 2005. The Emory code still seems to be a draft.

6. This, I think, is probably as much a failing in the Howard code as it would be in IIT’s. Howard also has architects, engineers, and scientists. In addition, it has practical arts IIT does not have (for example, medicine, divinity, and journalism).

7. Weil’s changes were adding to paragraph 1 (academic freedom) the sentence “In this way, we aim to fulfill IIT’s mission to advance knowledge through research and scholarship”; and to paragraph 3 (diversity) the sentence “On this basis, we shall seek to build the IIT community.” Weil’s purpose was to gain authority for these two provisions by connecting them to IIT’s Vision and Values Statement. I later objected to both additions because (1) they violated the code’s format (one sentence in each paragraph) and (2) they actually added nothing of substance to the code (except perhaps for those who
were familiar enough with IIT’s Vision and Values Statement—something to which only administrators seem to pay any attention). Weil saw the sense of these criticisms as soon as they were made. Her additions did not survive into Version 2. No one else noticed either their appearance or disappearance (and I therefore do not quote them below); the additions would probably have not had significant consequence if retained. Still, there is a lesson here. For as long as possible, the actual drafting should be kept in one person’s hands. As soon as more than one person begins to do the drafting, the document will begin to lose its distinctive style. Though that moment must come eventually, it should be put off as long as possible, preferably until the code is adopted. This is a point about craft or esthetics of drafting.

8. All quotations in this section come from the official but unpublished minutes of the meeting. I have not given names, to preserve confidentiality, but identified departments to suggest the range of disciplines of those participating. The same is true in succeeding sections describing other focus groups.


10. It then read:

Having chosen to associate ourselves with IIT, we—trustees, staff, students, faculty, donors, alumni, and administrators—have become beneficiaries of what our predecessors made and stewards for our successors. For each of us, the benefit derived from association with IIT depends on the conduct of others. If we each do as we should, all associated with IIT will have reason for pride. If even a few fail, we will all have reason for shame; the benefits of association will be less; and we will pass to our successors less than we might otherwise have. This code of ethics is intended to help us all conduct ourselves as we should.

11. This did not bother me. My view of code writing was (and is) that the form of the code should fit the content, not the other way around.

12. Indeed, only two codes (as far as I can tell) do that: the Software Engineering Code of Ethics (www.acm.org/about/se-code, Jan. 8, 2008) and Australian Computer Society Code of Ethics (ethics.iit.edu/codes/coe/aus.computer.soc.code.html, Jan. 8, 2008). Though I helped to draft the SE Code, I had nothing to do with including that explanation in the (very long) preamble.

13. What happened? No one knows for sure, but there seem to be two possibilities. Generally, the trustees like to receive documents a month before a meeting. Version 4.4 may have arrived too late to meet that deadline. Another possibility is that Weil missed the e-mail, supposing it a duplicate of the one that came only a day earlier. Whatever the cause, the effect of using 4.3 rather than 4.4 was long-lasting.

14. The assumption supporting this amendment seems to be that the quality of students is independent of their character—as if, for example, one could be a good student without being an ethical one.

15. The same was also probably true of Hartray and Parks.

16. Comparing Fisher’s memory with passages quoted above reveals how untrustworthy memory is, an important reason not only to keep detailed minutes of “interviews” (and focus group meetings) but also of reading them before making claims about their purport.

17. The final version, along with related documents, can be seen at http://ethics.iit.edu/iitcode/index.html (Jan. 8, 2008).

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